

STAFF REPORT

Marijuana Retail Sales Text Amendment

Ordinance No.	To be determined
Application No.	WLD-2023-004
Issue Date	September 26, 2023
Applicant	John Stoehr 1511 N Goerig Street Woodland, WA 98674
Location	This is a non-project action that could impact properties in multiple zoning districts within the city.
Published	September 6, 2023
PC Hearing Date: City Council Meeting Date:	October 19, 2023. November 20, 2023 Both at 7 p.m. in the Woodland City Council Chambers at 200 East Scott Ave

I. DESCRIPTION OF PROPOSAL

The applicant is requesting a code change to the Woodland Municipal Code to allow for the retail sale of marijuana. Specifically, the applicant is requesting retail sales be allowed in the commercial and industrial zones.

This is a non-project action that could impact all property owners and tenants citywide.

II. REVIEW AUTHORITY

Per WMC 19.08.030, Zoning Text Amendments shall be approved, approved with conditions, or denied by the City Council after consideration of the Planning Commission and Staff recommendation. The criteria used are outlined in WMC 3.40.

III. FINDINGS OF FACT

Chapter 17.50 – Recreational Marijuana

17.50.040 – Marijuana uses allowed in identified zones.

- A. *Recreational marijuana production and processing is a permitted use for those properties in the light industrial (I-1) and the heavy industrial (I-2) zoning districts that are located*

west of the railroad tracks, subject to compliance with this chapter and all other applicable Woodland Municipal Code requirements.

B. *Recreational marijuana retail outlets and retail uses are prohibited in all zoning designations.*

Finding 1: The retail sales of marijuana is covered in WMC 17.50 which prohibits retail sales in all zones per WMC 17.50.040(B). This prohibition has been in place since December 1st, 2014 when it was adopted in Ordinance 1312.

Finding 2: The applicant proposes to amend WMC 17.50.040(B) to allow retail sales as a "Permitted" instead of a "prohibited" use.

Finding 3: The applicant proposes that retail sales be allowed in the following zones:

WMC 17.32 Central Business District (C-1)

WMC 17.36 Highway Commercial District (C-2)

WMC 17.40 Neighborhood Commercial District (C-3)

WMC 17.44 Light Industrial District (I-1)

WMC 17.46 Heavy Industrial District (I-2)

The request does not propose to change either the Public/Quasi-Public/Institutional (PQPI), or the Floodway Use zoning districts. (WMC 17.24 and 17.30 respectively.)

Finding 4: WMC 17.50.030 has locational criteria for marijuana uses. The staff has prepared two maps reflecting the exclusion zones outlined in WMC 17.50.030. (See attached maps.)

The first map shows the existing restricted entities listed in WMC 17.50.030 with the commercial properties (shown in pink) where marijuana retail sales uses would be permitted. (Note that this map does not identify any industrial properties, nor does it include Scott Hill Park or the City's property for the park in the floodway. However, neither of these properties is actually open or functioning as a recreation facility.)

The second map, includes the potential light industrial areas where retail sales could be permitted if the code gets amended. It also includes exclusion zones for Scott Hill Park and the floodway park. Please note, these maps are for illustration purposes only.

Finding 5: To make retail sales of marijuana a "Permitted" use would involve making changes to WMC 17.50.040(B), PLUS, each of the zoning districts in which the council wants to allow the use.

Title 17 – Zoning Code

Finding 5: On October 21st, 2019, the city adopted Ordinance 1440 which clarified the prohibition of Medical Marijuana cooperatives. As part of that ordinance, the city clarified the prohibition in WMC 17.50.040 by adding the use "marijuana retailer" to the list of prohibited uses in each district.

This amendment was not a policy decision on retail sales, it was a clarification of WMC 17.50.040(B) by listing the use in each zoning district (where it could be found more readily).

Finding 6: To make retail sales of marijuana a "Permitted" use as requested would require making changes to the zoning code for each district in which the council chooses to allow retail sales as a permitted use.

Finding 7: As requested, Marijuana Retailer would need to be removed from the following prohibited use section:

- WMC 17.32.040(20) Prohibited Uses - Central Business District (C-1)
- WMC 17.36.040(D) Prohibited Uses - Highway Commercial District (C-2)
- WMC 17.40.020(C) Prohibited Uses - Neighborhood Commercial District (C-3)
- WMC 17.44.027(A) Prohibited Uses - Light Industrial District (I-1)
- WMC 17.46.037(A) Prohibited Uses - Heavy Industrial District (I-2)

Finding 8: As requested, Marijuana Retailer would need to be added to the following permitted use sections:

- WMC 17.32.020 Permitted Uses - Central Business District (C-1)
- WMC 17.36.020 Permitted Uses - Highway Commercial District (C-2)
- WMC 17.40.020 Permitted Uses - Neighborhood Commercial District (C-3)
- WMC 17.44.020 Permitted Uses - Light Industrial District (I-1)
- WMC 17.46.030 Permitted Uses - Heavy Industrial District (I-2)

Finding 9: To Regardless of the decision to make retail sales of marijuana a permitted use the locational criteria for marijuana uses in WMC 17.50.030 will still govern the siting of those uses.

Finding 10: Regardless of the policy decision on allowing the requested use, all other development standards would be applicable to the placement of the use.

IV. RECOMMENDATION

Staff makes no recommendation to the Planning Commission on this request. This is a policy level decision that to be made by the City Council as the legislative authority for the city.

Per WMC 19.08.030 the Planning Commission is tasked with making a recommendation to the City Council.

Responsible Official: Travis Goddard, Director
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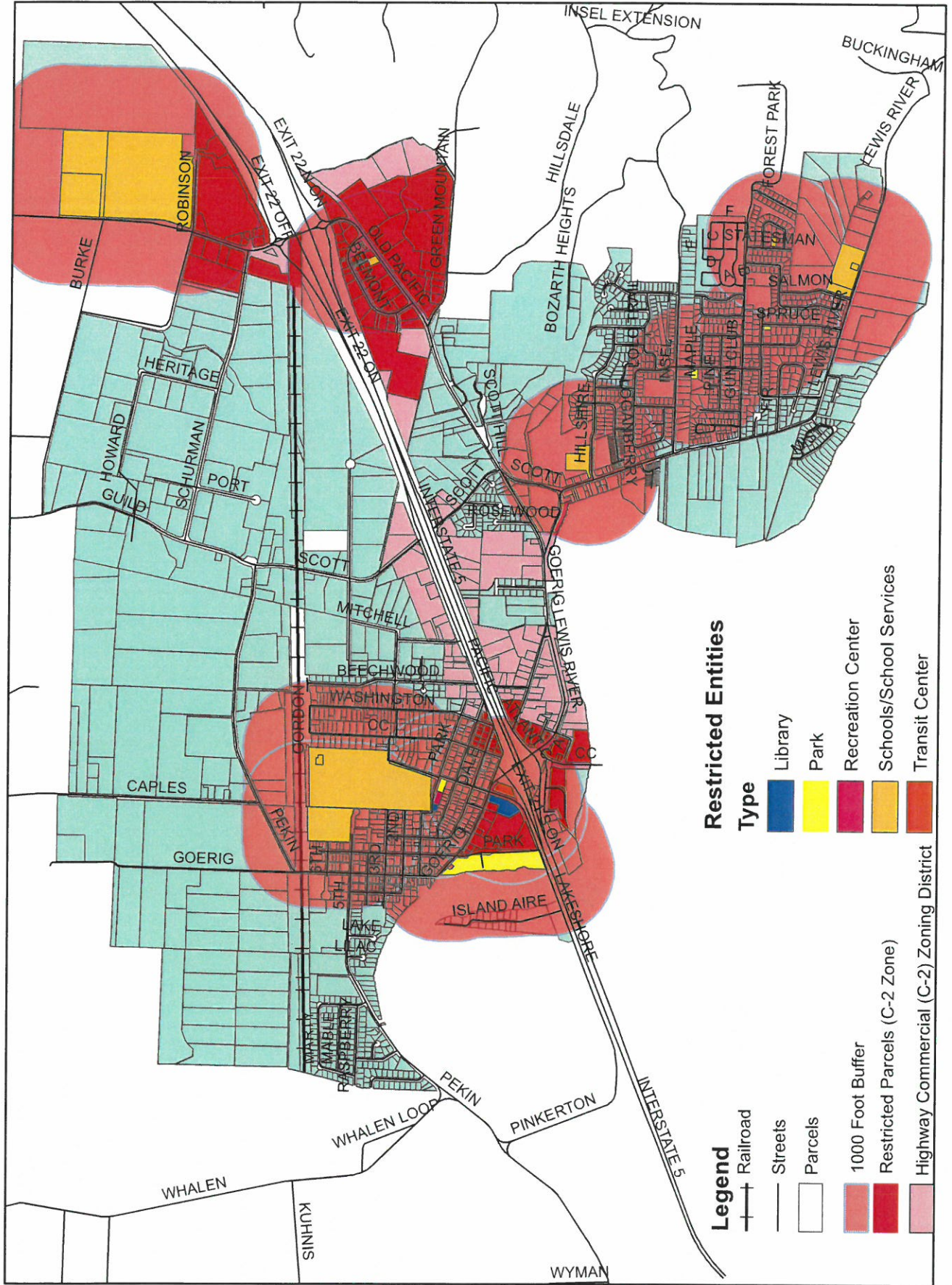
Date: 9/26/2023

Signature:  /s/ Travis Goddard

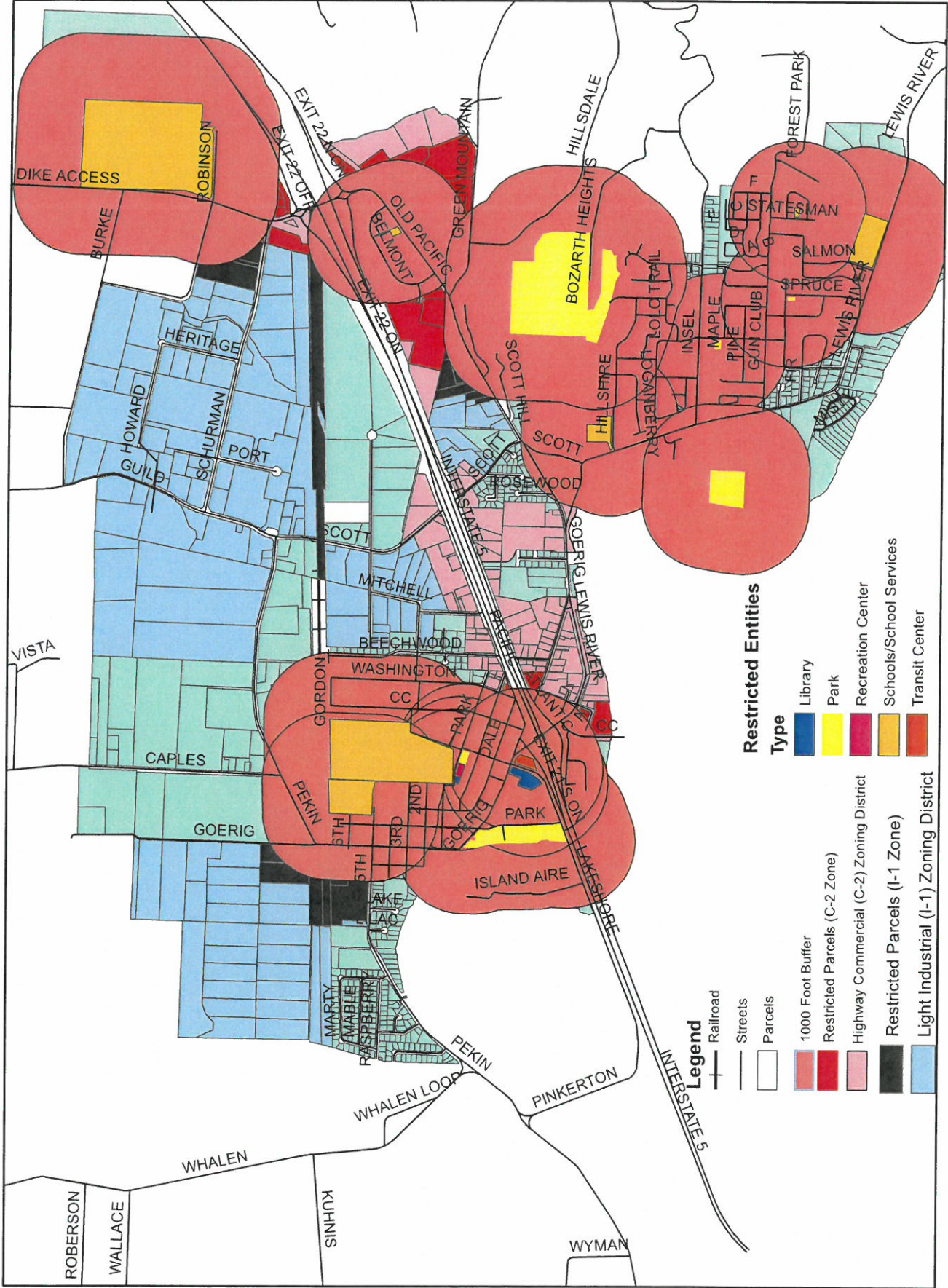
cc: Applicant
Parties of Record
File
Website
Mayor
City Administrator

ATTACHMENT

- A. Buffer Map (if retail sales are permitted in Commercial zones)
- B. Buffer Map (I retail sales are permitted in Commercial & Light Industrial zones)



B



Restricted Entities

- Type**
- Library
 - Park
 - Recreation Center
 - Schools/School Services
 - Transit Center

Legend

- 1000 Foot Buffer
- Restricted Parcels (C-2 Zone)
- Highway Commercial (C-2) Zoning District
- Restricted Parcels (I-1 Zone)
- Light Industrial (I-1) Zoning District
- Railroad
- Streets
- Parcels